

LOCAL AGENCY FORMATION COMMISSION COUNTY OF SAN BERNARDINO

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DATE: September 6, 2004
FROM: KATHLEEN ROLLINGS-McDONALD, Executive Officer
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: **Agenda Item #8** – LAFCO 2925: Service Review and Sphere Of Influence Update for the City of San Bernardino

INITIATED BY:

San Bernardino County Local Agency Formation Commission

RECOMMENDATION:

1. Determine that LAFCO 2925 is statutorily exempt from environmental review and direct the Clerk to file a Notice of Exemption within five days;
2. Make the findings related to a service review required by Government Code Section 56430 and determine that the existing sphere of influence for the City of San Bernardino should be affirmed as presently configured; and,
3. Adopt LAFCO Resolution #2846 setting forth the Commission's findings and determinations on this issue.

BACKGROUND INFORMATION:

This proposal was initiated by the Commission on January 15, 2003 in response to state mandates requiring service reviews and sphere of influence updates for all cities and special districts on a five-year schedule. In general, LAFCO 2925 is a routine, non-controversial service review and sphere of influence update for the City of San Bernardino.

Included as Attachment #1 to this report is a map which identifies the boundaries and sphere of influence for the City of San Bernardino. Attachment #2 is general description of what services a City can perform and how it may be expanded. Attachment #3 to this report is a summary profile of the City of San Bernardino, a

copy of the survey response provided by the City to the service review factors required by Government Code Section 56430 including maps of the land use designations within the sphere, a map of the City of San Bernardino Municipal Water Department definition of its service area and an outline of its Board of Water Commissioners.

LAFCO staff has reviewed the current City of San Bernardino sphere of influence against the policies and procedures established by the Commission for its sphere of influence program (copy included as Attachment #4). One of the guiding principles in these documents is that the sphere of influence should be based upon a community-by-community approach, and that the family of agencies serving a community should, unless unique circumstances warrant, maintain a coterminous sphere of influence. The known communities which are included within the City of San Bernardino sphere at the present time are Muscoy, Arrowhead Suburban Farms, and Arrowhead Springs (the Campus Crusade facility). There is no family of districts which address service delivery in the general San Bernardino community under the purview of the Commission other than the East Valley Water District (portion of the City generally easterly of Waterman Avenue and northerly of Third Street). This agency also serves the City of Highland and its sphere of influence update and service review were conducted at the August 18, 2004 Commission hearing. There are a number of mutual water companies, private water companies and improvement zones to County Service Areas that provide service within the City's assigned sphere of influence.

In reference to known communities, immediately to the north of the City's sphere of influence along I-215 and I-15 is the community of Devore. During the early 1990's, this community objected to the inclusion of any of their area within the City's sphere of influence and the Commission complied by approving a reduction in the City's sphere to exclude the territories within the Devore Mutual Water Company service area. The Devore community is staunchly independent and has maintained its rural designations outside the City sphere of influence. Also during this period a group of citizens from this community looked into the possibility of incorporation, but did not have the minimum 500 registered voters within the unincorporated area that were required by state law.

The community of Muscoy, as generally defined by the Muscoy Mutual Water Company boundaries, is wholly within the City of San Bernardino western sphere of influence. This community has also adamantly resisted annexation to the City over the years as they have felt that their rural lifestyle would be affected by such a transition. However, those parcels requiring sewer service within this community have been allowed to connect to existing City facilities that traverse the area through Out-of-Agency Service contracts. The most recent of these was signed between the County of San Bernardino/Central Valley Fire Protection District for sewer service to their new station.

Over the past several years, as the 210 Freeway construction inched its way to the east end of the Valley, it has been acknowledged that the Muscoy community would be in the direct path of future development associated with this major arterial. In

response to this, the County of San Bernardino has identified the Muscoy community as a redevelopment study area and on August 17th authorized the circulation of a Request for Proposal (RFP) seeking consultants to work on plans and related studies for creation of a Redevelopment Project Area. The boundaries of the recommended survey area include the Muscoy community along Highland Avenue, easterly of the Lytle Creek Wash, includes the Cajon Blvd. area (a part of the City sphere of influence) and extends into the Devore Mutual Water Company area northerly of the City's sphere of influence adjacent to the Hyundai Pavilion and County Regional Park. A map of the area along with the County's authorization for the study are included as Attachment #5 to the staff report. The position from the City of San Bernardino, as provided to LAFCO staff, is that it has no concern regarding the proposed Muscoy Redevelopment Study Area at this time.

The major points of consideration within the survey response provided by the City of San Bernardino are outlined as follows:

1. The City of San Bernardino is not proposing any change to its sphere of influence. The City has indicated that it does not anticipate proposing a sphere of influence amendment within the next five years. The City Council has considered the response to the service review factors in a public hearing, and concurs with staff findings that no sphere amendments will likely be contemplated in the foreseeable future.

The City is currently surrounded by the City of Rialto and its sphere of influence on its western and northwestern boundaries, the National Forest boundary on the north, the City of Highland and City of Redlands and its sphere of influence on the east, and the Cities of Redlands, Loma Linda, and Colton on the south.

2. The City of San Bernardino is a full-service city providing the services of general government, law enforcement, animal control, fire protection, land use planning, code enforcement, building and safety functions, refuse collection, cemetery, recreation services, roads, water and sewer services within its corporate limits.

The City currently provides the following services outside its corporate limits through individual contract. For the most part, the existing contracts were entered into prior to the implementation of Government Code Section 56133.

- a. The City and County Service Area 38 entered into an agreement that provides fire protection and paramedic services to the unincorporated islands within the City's sphere of influence. This agreement was entered into in July 1999, when the City of Highland detached from County Service Area 38 and removed the fire stations and personnel previously used to support these island areas.

- b. The City provides water and/or sewer service into areas outside its existing boundaries upon receipt of a signed irrevocable agreement to annex. Such agreements are reviewed by the Commission under the auspices of Government Code Section 56133 – the most recent of which was the agreement between the City and County, on behalf of the Central Valley Fire Protection District, to receive sewer service to its new fire station within the Muscoy community.
 - c. The City provides Animal Control services to the City of Fontana and the City of Loma Linda by contract. In addition, the City provides the housing of animals to the City of Colton and City of Loma Linda by contract.
3. The City currently receives the following services through outside service providers/contractors:

SERVICE	PERFORMED BY
Water/Sewer	Retail water and sewer services provided by the East Valley Water District within the City boundaries, generally Easterly of Waterman Avenue, northerly of Third Street. There are several mutual and private water companies within the boundaries of the city.
Ambulance	Inland Counties Emergency Medical Authority (ICEMA) granted exclusive operating area to America Medical Response (AMR)
Vector Control	Contract with the County of San Bernardino Vector Control Program for the provision of service. Area included in the benefit assessment authorized by County Resolution No. 3103

4. The City of San Bernardino is currently overlaid by the following public agencies:

East Valley Water District (portion)
San Bernardino Valley Municipal Water District
East Valley Resource Conservation District (portion)
Inland Empire West Resource Conservation District (portion)
San Bernardino Valley Water Conservation District (portion)
Inland Valley Development Authority (Redevelopment Agency for reuse of the former Norton Air Force Base now known as San Bernardino International Airport)

The City's sphere of influence is overlaid by the following additional agencies:

Central Valley Fire Protection District (Muscoy community and portions of the Cajon Blvd. area)
County Service Area 38 (fire protection)
CSA 38 Improvement Zone L (rescue (paramedic) service) -- portion of the City sphere of influence area generally east of Waterman Avenue
CSA SL-1 (street lighting)
County Service Area 70 (multi-function county service area)
CSA 70 Improvement Zone R-30 (road maintenance) identified as the Verdemont area located northerly of the Muscoy community. This agency provides road grading for two unpaved roads within the area, Roadrunner Trail and 5th.

None of the adjacent or overlaying agencies have identified any concerns with the City of San Bernardino sphere of influence as it is presently configured.

CONCLUSION

Based on the information outlined above, and the response provided by the City of San Bernardino, staff recommends that the Commission uphold and affirm the existing sphere of influence determination for the City. In addition, staff recommends that the Commission adopt Resolution #2846 which sets forth written responses to the statutory factors related to service reviews and sphere of influence studies.

/krm

Attachments:

1. Location Map of the Existing Sphere of Influence of the City of San Bernardino
2. Outline of a City/Town
3. Summary City Profile Sheet and Survey Response Provided by the City of San Bernardino, Land Use Maps
4. Sphere of Influence Policies and Guidelines
5. Muscoy Redevelopment Study Area
6. Response from Tom Dodson and Associates
7. Draft Resolution #2846